

8436.18USRE

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Youn S. Lee et al.

U.S. Serial No. _____

Reissue of U.S. Pat. No.
5,637,345

METHOD OF MANUFACTURING
POWDERED DEER BLOOD

Before Examiner: _____

Group _____

REISSUE DECLARATION OF INVENTORS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RECEIVED
JUL 15 2002
OFFICE OF PETITIONS

We, Youn S. Lee and Hyung S. Lee upon information, knowledge and belief, declare as follows, that:

1. That both Youn S. Lee and Hyung S. Lee are citizens of Korea.

2. We are the original joint inventors of the inventions disclosed in Lee et al., U.S.

Letters Patent No. 5,637,345, which is entitled "METHOD OF MANUFACTURING POWDERED DEER BLOOD" and issued June 10, 1997, and request that Lee et al. be reissued by the U.S. Patent and Trademark Office ("Office").

3. We hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign applications for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

FOREIGN APPLICATION CLAIMED PRIORITY UNDER 35 USC §119			
COUNTRY	APPLICATION NO.	DATE OF FILING	DATE OF ISSUE
New Zealand	248309	August 2, 1993	

4. We hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, we acknowledge the duty to disclose material information as defined in title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Application Number	Date of Filing (day, month, year)	Status
284,159	11 January 1996	Patent No. 5,505,980

5. We have reviewed and understand the reissue application, a copy of which is attached, including the specification and claims of the issued patent. No claims are being added in the reissue application.

6. We believe that we are the original and first inventors of the subject matter that is claimed in this application.

7. We acknowledge the duty to disclose to the Office all information that we know to be material to patentability as defined in 37 C.F.R. § 1.56 and § 1.175(a)(7).

8. We believe the original patent that issued June 10, 1997 to be partly inoperative by virtue of the inadvertent inclusion of the wrong patent number in the terminal disclaimer filed in connection with the original patent. We learned of the error after the patent had issued and believe that the error can be corrected under 35 U.S.C. § 251.

9. On January 11, 1996, we filed United States Serial No. 584,748 relating to a method of manufacturing powdered deer blood. In an Office Action dated June 3, 1996, Examiner Corbin made a rejection of claims 1 - 10 of the application under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 5,505,980 (copy attached as Exhibit A).

10. In response to the Examiner's Action, a Terminal Disclaimer To Obviate A Double Patenting Rejection was filed on September 6, 1996 (copy attached as Exhibit B). As can be seen in Exhibit B, the terminal disclaimer inadvertently identified U.S. Patent No. 5,460,677 as the patent beyond which the terminal portion of the present patent would not extend. A copy of U.S. Patent No. 5,460,677 is attached as Exhibit C.

11. On September 17, 1996, Examiner Corbin mailed a Notice of Allowability. The Examiner apparently did not realize the error in the patent number in the terminal disclaimer and entered the terminal disclaimer as being responsive to the rejection in the Office Action.

12. Based on our communications and/or discussions with our attorneys, we believed that an appropriate terminal disclaimer was filed and that the Patent Office had accepted a proper terminal disclaimer.

13. No changes to the specification and/or claims have been made in this reissue application. A corrected terminal disclaimer with the appropriate U.S. Patent Number set forth therein is enclosed with this reissue application. We respectfully request that the Terminal Disclaimer To Obviate A Double Patenting Rejection be cancelled, and that the corrected terminal disclaimer filed herewith be entered.

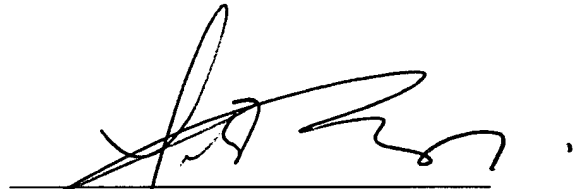
14. Our actions relating to all errors arose without any deceptive intention on our part.

15. Please direct all correspondence in this case to Merchant & Gould PC at the address indicated below:

Merchant & Gould PC
P.O. Box 2903
Minneapolis, MN 55402-0903

All statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued or reissued thereon.

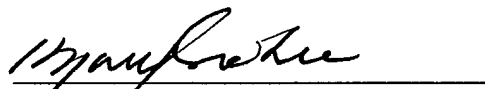
18 / 06 / 02
Date


Youn S. Lee

Mailing Address: Po Box 20 Belfast
CH-CH. New Zealand.

Residence Address: 16 Clyde RD.
CH-CH New Zealand

10 / 06 / 02
Date


Hyung S. Lee

Mailing Address: 219 BUSH RD ALBANY
AUCKLAND.

Residence Address: 16 BOURNEMOUTH Tce.
MURRAY'S BAY. AUCKLAND.

Attachments:

Exhibit A: U.S. Patent No. 5,505,980

Exhibit B: Terminal Disclaimer To Obviate A Double Patenting Rejection filed on 9/6/1996

Exhibit C: U.S. Patent No. 5,460,677